

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS

3 UNITED STATES OF AMERICA,)

4 Plaintiff)

5 -VS-)

6 VLADISLAV KLYUSHIN,)

7 Defendant)

) Criminal No. 21-10104-PBS

) Pages 12-1 - 12-6

8 **JURY TRIAL - DAY TWELVE**

9
10 BEFORE THE HONORABLE PATTI B. SARIS
11 UNITED STATES DISTRICT JUDGE

12
13 United States District Court
14 1 Courthouse Way, Courtroom 19
15 Boston, Massachusetts 02210
16 February 14, 2023, 9:27 a.m.

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21 LEE A. MARZILLI
22 OFFICIAL COURT REPORTER
23 United States District Court
24 1 Courthouse Way, Room 7200
25 Boston, MA 02210
leemarz@aol.com

1 A P P E A R A N C E S:

2 SETH B. KOSTO, ESQ. and STEPHEN E. FRANK, ESQ.,
3 Assistant United States Attorneys, Office of the United States
4 Attorney, 1 Courthouse Way, Room 9200, Boston, Massachusetts,
5 02210, for the Plaintiff.

6 MAKSIM NEMTSEV, ESQ., 20 Park Plaza, Suite 1000,
7 Boston, Massachusetts, 02116, for the Defendant.

8 MARC FERNICH, ESQ., Law Office of Marc Fernich,
9 800 Third Avenue, Suite Floor 20, New York, New York, 10022,
10 for the Defendant.

P R O C E E D I N G S

THE CLERK: All rise for the jury.

(Jury enters the courtroom.)

THE COURT: Please don't be seated. A pink attack, today's jury for Valentine's Day. Anybody speak about the case, see anything in the social media? Did anyone try and communicate with you? Fine. See you later.

(Jury excused.)

THE COURT: Once again, I won't take questions between 1:00 and 2:00.

(A recess was taken, 9:29 a.m.)

(Resumed, 12:14 p.m.)

THE CLERK: All rise for the jury.

(Jury enters the courtroom.)

THE COURT: Thank you. The jury shall remain standing. Everybody else should be seated, except the defendant and his counsel may stay standing if they want. Yes, okay. All right, thank you.

You may inquire.

THE CLERK: Mr. Foreman, have the members reached a unanimous verdict?

THE FOREMAN: We have.

THE CLERK: May I take the slip.

(Verdict form passed to the Court.)

THE COURT: You may inquire.

1 THE CLERK: Verdict form, Count One, conspiracy to
2 obtain unauthorized access to computers or to commit wire fraud
3 or to commit securities fraud: Guilty.

4 Count Two, wire fraud, aiding and abetting: Guilty.

5 Count three, unauthorized access to computers, aiding
6 and abetting: Guilty.

7 Count Four, securities fraud, aiding and abetting:
8 Guilty.

9 So say you, members of the jury?

12:16 10 THE JURY: Yes.

11 THE CLERK: So say you, Mr. Foreperson?

12 THE FOREMAN: Yes.

13 THE COURT: All right, you may be seated. Thank you.
14 I want to thank you on behalf of everyone in this room.

15 You may now talk about this case with whomever you
16 want to. I would ask you to please respect the confidences of
17 your fellow and sister jurors because people say things during
18 deliberations they expect to be kept confidential. But you can
19 talk to anyone you want. You can talk to the media, you can
12:17 20 talk at home, you can talk to anyone you want about the case.

21 I make it a practice to come back and thank you
22 personally. I understand if you want to leave. You've been
23 here a long time. It's been a very long case. But I will
24 answer any questions that you have. On the other hand, I will
25 not ask you about your statements or anything you said during

1 deliberations.

2 At this point we'll stand in recess. This is your
3 jury duty. I think we can't call on you again for three years.
4 Okay, we'll stand in recess.

5 THE CLERK: All rise.

6 (Jury excused.)

7 THE COURT: Mem will be back in a second, and we will
8 set a sentencing date.

9 MR. NEMTSEV: Judge, could I just ask for an extra two
10 weeks on the motions? I think you have to do that within the
11 deadline.

12 THE COURT: Maryellen, we need to set a sentencing
13 date.

14 THE CLERK: Let me just take a look. I have to count
15 thirteen weeks out, so just give me a minute. Does Thursday,
16 May 4 at 2:30 work in person, Thursday, May 4?

17 MR. FRANK: It works for the government.

18 MR. KOSTO: It's good for the government, your Honor.

19 THE CLERK: At 2:30.

12:19 20 THE COURT: I allow the motion for extra time. So
21 when do you all think you'd be filing that motion?

22 MR. NEMTSEV: I think we have -- we have two weeks, so
23 an extra two weeks after that.

24 THE COURT: I'm just trying to figure out how that
25 works vis-à-vis sentencing. So you want to do it a month out?

1 MR. NEMTSEV: Yes.

2 THE COURT: That's fine. So just pick a date. Today
3 is the 14th, so by March 14th?

4 MR. NEMTSEV: Sure.

5 THE COURT: Okay, and then if we have to push off
6 sentencing, we will.

7 MR. NEMTSEV: Okay, so we've got May 4 for sentencing.

8 THE CLERK: At 2:30. It's a Thursday.

9 MR. NEMTSEV: And we've got 3/14 for motions. I doubt
12:19 10 it will impact the sentencing.

11 THE COURT: We'll now stand in recess. Thank you.

12 MR. FRANK: Thank you.

13 MR. KOSTO: Thank you, your Honor.

14 MR. FERNICH: Thank you, your Honor.

15 (Adjourned, 12:20 p.m.).
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C E R T I F I C A T E

UNITED STATES DISTRICT COURT)
DISTRICT OF MASSACHUSETTS) ss.
CITY OF BOSTON)

I, Lee A. Marzilli, Official Federal Court Reporter,
do hereby certify that the foregoing transcript, Pages 12-1
through 12-6 inclusive, was recorded by me stenographically at
the time and place aforesaid in Criminal No. 21-10104-PBS,
United States of America v. Vladislav Klyushin, and thereafter
by me reduced to typewriting and is a true and accurate record
of the proceedings.

Dated this 15th day of February, 2023.

/s/ Lee A. Marzilli

LEE A. MARZILLI, CRR
OFFICIAL COURT REPORTER